

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

USCOC of ILLINOIS RSA #1, LLC,) No. 04-0653
USCOC of ILLINOIS RSA #4, LLC,)
USCOC of ROCKFORD, LLC, and)
USCOC OF CENTRAL ILLINOIS,)
LLC,)
)
Petition for Designation as an)
Eligible Telecommunications)
Carrier under 47 U.S.C.)
Sec. 214(e)(2).)

Chicago, Illinois
September 14th, 2005

Met, pursuant to notice, at Chicago.

BEFORE :

JUDGE JOHN T. RILEY, Administrative Law Judge

APPEARANCES:

SIDLEY AUSTIN BROWN & WOOD LLP, by
MR. G. DARRYL REED
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-and-

LUKAS NACE GUTIERREZ & SACHES, CHARTERED, by
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6
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12
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21 SULLIVAN REPORTING COMPANY, by
22 Alisa A. Obecny, CSR
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I N D E X

Witnesses: Direct Cross Re-direct Re-cross By Examiner

None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
Petitioner's	1-11	24
IITA's	1-3	24
SBC's	1.0-1.1	25
Staff's	1-15	32

1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission I now call Docket
3 04-0653. This is a petition by USCOC of Illinois RSA
4 #1; USCOC of Illinois RSA #4; USCOC of Rockford, LLC;
5 and USCOC of Central Illinois, LLC; petition for
6 designation as an eligible telecommunications carrier
7 under 47 U.S.C. Section 214(e)(2).

8 And counsel for USCOC, could you enter
9 an appearance, please.

10 MR. REED: Certainly, your Honor. G. Daryl
11 Reed of the law firm of Sidley Austin Brown & Wood,
12 LLP, Bank One Plaza, 10 South Dearborn Chicago 60603
13 on behalf of the petitioners.

14 MR. MURPHY: Good morning. David LaFuria of
15 the law firm of Lukas Nace Gutierrez & Sachs, 1650
16 Tysons Boulevard McLean, Virginia. And with me is
17 Steven Chernoff of the same firm.

18 JUDGE RILEY: And you're here on behalf of?

19 MR. LAFURIA: Of the petitioner.

20 JUDGE RILEY: Okay. Staff.

21 MS. GLOVER: For Staff, Stefanie Glover, 160
22 North LaSalle Street, C-800, Chicago, Illinois 60601.

1 JUDGE RILEY: Thank you. And start with
2 Illinois Bell.

3 MS. HERTEL: Appearing on behalf of SBC
4 Illinois, Nancy Hertel, 225 West Randolph, 25D,
5 Chicago, Illinois 60606.

6 MR. MURPHY: On behalf of the Illinois
7 Independent Telephone Association, Joseph D. Murphy
8 and Dennis K. Muncy. 306 West Church Street,
9 Champaign, Illinois 61820.

10 JUDGE RILEY: Thank you. Is Mr. Saville, is he
11 going to join us on behalf of Citizens of Frontier?

12 Let's go off the record for just a
13 second. I want to check one thing.

14 (Whereupon, a discussion was had
15 off the record.)

16 JUDGE RILEY: Mr. Reed, it's my understanding
17 from a number of off-the-record discussions that
18 we've had with various parties there is not going to
19 be any cross-examine -- excuse me, any
20 cross-examination with regard to the testimony that
21 was submitted; is that correct?

22 MR. REED: That is correct, sir.

1 JUDGE RILEY: Just about every -- not -- just
2 about everyone's on board with that.

3 The procedure then would be with
4 regard to admission of testimony's exhibits and you
5 also mentioned some data requests.

6 MR. REED: That is correct, your Honor.

7 JUDGE RILEY: Okay. I'm going to let you start
8 it off.

9 MR. REED: That's fine. This morning U.S.
10 Cellular filed the affidavits of Ken Borner for his
11 direction testimony and Conrad Hunter for his direct
12 and rebuttal and surrebuttal. We are awaiting the
13 affidavits of Don Wood for his rebuttal and
14 surrebuttal and would ask for leave to make that a
15 late-filed exhibit upon receipt.

16 That being said, we would like to move
17 for the admission of the following testimonies: The
18 direct testimony of Ken Borner, which has been
19 designated as USCC Exhibit No. 1, consisting of a
20 cover page, 7 pages of text in question and answer
21 form, 143 lines of text. Once again, Exhibit No. 1.
22 The direct testimony of Conrad Hunter, designated as

1 USCC Exhibit No. 2. His testimony consisting of a
2 cover page and 11 pages of text in question and
3 answer form, 240 lines of text.

4 JUDGE RILEY: What was the first person's name?
5 I'm sorry.

6 MR. REED: Ken Borner, B-o-r-n-e-r.

7 JUDGE RILEY: All right. Go ahead.

8 MR. REED: Exhibit No. 3 is the rebuttal
9 testimony of Don J. Wood. We are awaiting the
10 affidavit for that testimony. Exhibit No. 4 is the
11 rebuttal testimony of Conrad Hunter consisting of a
12 cover page, 35 pages of text in question and answer
13 form and two exhibits, A and B which is proprietary,
14 approximately 794 lines of text.

15 JUDGE RILEY: Are those attachments to the
16 testimony?

17 MR. REED: Yes, sir.

18 JUDGE RILEY: Okay.

19 MR. REED: The surrebuttal testimony of Don J.
20 Wood has been designated as Exhibit No. 5. Once
21 again, the affidavit will be filed upon receipt. And
22 Exhibit No. 6 is the surrebuttal testimony of Conrad

1 J. Hunter, consisting of a cover pages -- a cover
2 page, 10 pages of text in question and answer form,
3 approximately 223 lines.

4 This morning we filed an Exhibit
5 No. 7, which is the corrected testimony of Don J.
6 Wood to correct typographical errors as set forth on
7 Lines 52 and 53 of said testimony.

8 JUDGE RILEY: And does that correct his
9 rebuttal or surrebuttal?

10 MR. REED: Rebuttal. I'm sorry.

11 JUDGE RILEY: He corrected his rebuttal?

12 MR. REED: Yes, sir.

13 JUDGE RILEY: That's No. 7. Okay.

14 MR. REED: All of the prefiled testimony has
15 been filed on e-Docket and we would stand on the
16 prefiled versions for admission into the record.

17 JUDGE RILEY: Okay.

18 MR. REED: We would also move for the admission
19 of the following data request responses: J as in
20 Jill, R as in Robert, Z as in zebra 2.01 through
21 2.07, U.S. Cellular's data request responses to the
22 Staff of the Illinois Commerce Commission designated

1 as Exhibit No. 8. U.S. Cellular's responses to
2 Staff's data request J-H-, as in Henry, H, as in
3 Henry, 3.01 through 3.03, Exhibit No. 9. U.S.
4 Cellular's responses to IITA's data request 1.01
5 through 1.48 designated as Exhibit No. 10. And
6 finally U.S. Cellular's responses to the IITA's
7 second set of data request 2.01 through 2.12,
8 designated as Exhibit No. 11.

9 I would note that the responses to
10 data request 2.01 and 2.03 are proprietary. U.S.
11 Cellular has paper copies of all of the data
12 requests, both public and private versions and
13 pending a discussion we would move for the entry of
14 those data request responses also.

15 JUDGE RILEY: Okay. What was the 3.01 through
16 3.03. Who -- which was that?

17 MR. REED: Staff JHH.

18 JUDGE RILEY: JHH.

19 MR. REED: Yes, sir.

20 JUDGE RILEY: Okay. And the first two were
21 responses to Staff, the second two were responses to
22 IITA?

1 MR. REED: Yes, sir.

2 JUDGE RILEY: Okay. And then 2.01 through 2.03
3 are confidential and proprietary?

4 MR. REED: Only 2.01 and 2.03, only those two.

5 JUDGE RILEY: And you're motioning for that
6 protection?

7 MR. REED: Yes, sir.

8 JUDGE RILEY: Those were filed on the e-Docket?

9 MR. REED: Those were so voluminous I have
10 paper and private copies here that I was going to
11 tend to the court reporter.

12 JUDGE RILEY: Okay.

13 MR. REED: If you would like we can certainly
14 make arrangements to have those filed on e-Docket.

15 JUDGE RILEY: Okay. Objections generally to
16 1 -- Exhibits 1 through 11.

17 MR. MURPHY: On behalf of IITA we have no
18 objection to Exhibits 1 through 7 -- I'm sorry, 1
19 through 8, which were -- I'm sorry, 1 through 7,
20 which were the prefiled testimony.

21 JUDGE RILEY: Okay.

22 MR. MURPHY: We do object to the admission of

1 8, 9, 10 and 11 as being inappropriate and out of
2 time. There have been three rounds of testimony for
3 U.S. Cellular in this docket. After the first round
4 of testimony we all came back to a status hearing
5 where we talked about whether U.S. Cellular was going
6 to amend its direct testimony to respond to the new
7 FCC order, which was new at that time, and U.S.
8 Cellular declined to do that. Most of these data
9 responses -- I'm just looking at some of the dates of
10 the responses -- date back to early this year like in
11 February and March. They've had them for quite some
12 time. I think if they wanted to put this evidence
13 into the record they could have done it and given
14 everybody a chance to respond to whatever they had to
15 say about it. They have declined to do that to date,
16 and I think now is an inappropriate time to try to
17 backfill the record with this information.

18 JUDGE RILEY: Response.

19 MS. HERTEL: Can I just add something?

20 JUDGE RILEY: Oh, I'm sorry.

21 MS. HERTEL: On behalf of SBC Illinois I do not
22 object to Exhibits 1.0 through 7.0. I do object to

1 8, 9, 10, and 11 on a similar basis. I think by
2 putting answers into the record that are essentially
3 not, you know, admissions from other parties, these
4 are more affirmative statements, that it's in essence
5 creating another round of testimony. And on that
6 basis I would object.

7 JUDGE RILEY: Anyone else?

8 Mr. Reed, response.

9 MR. REED: Yes. The first response I have and
10 then I'll turn it over to Mr. LaFuria.

11 I would note that 16 out of 60
12 exhibits that were attached to Mr. Schoonmaker's
13 testimony are in fact U.S. Cellular's data request
14 for responses. So at the very minimum those are
15 already in the record based on Mr. Schoonmaker's
16 testimony. With respect to the -- and I don't see
17 how there can be an objection to something that's
18 already been admitted.

19 That being said, I'll turn it over to
20 Mr. LaFuria for further arguments.

21 MR. LAFURIA: Is it your Honor or Mr. Hearing
22 Examiner?

1 JUDGE RILEY: Mr. Hearing Examiner would be
2 fine.

3 MR. LAFURIA: Mr. Hearing Examiner, given that
4 we're not going to hearing today I would note that
5 there are a number of the data request responses
6 which are documents that are not included in
7 Mr. Schoonmaker's testimony which would definitely
8 have been the subject of discussion and would have
9 been moved for admission either on cross-examination
10 or redirect examination today.

11 We're happy to place all of these into
12 the record even the ones where U.S. Cellular refused
13 to respond to a question, which obviously gives the
14 other side some advantage on the theory that this
15 Commission is best served by having as many relevant
16 documents as possible. If none of these items were
17 admitted today we would be in much better position
18 simply putting Mr. Schoonmaker on the stand and
19 cross-examining him and I would demonstrate the
20 relevance of each one of these in cross-examination
21 and ask for their admission.

22 So given that we are not going to

1 hearing, it seems to me that if there is relevant
2 information which the Commission should consider in
3 the course of this, which it would have had in a
4 hearing, then it should be admitted now as well.

5 MR. MURPHY: May I respond?

6 JUDGE RILEY: You may. Sure.

7 MR. MURPHY: With regard to the data responses
8 of that were attached to Mr. Schoonmaker's
9 rebuttal -- I'm sorry, direct testimony and they were
10 all attached to his direct testimony, I certainly
11 have no objection. Although I think it would be
12 duplicative to put them in the docket with a new
13 exhibit number.

14 With regard to the ones that were not
15 part of his direct testimony, U.S. Cellular has now
16 had not one but two opportunities to introduce them
17 if they supported some point that U.S. Cellular
18 wanted to make in opposition to what Mr. Schoonmaker
19 said. I guess I don't know how they would have
20 intended to introduce them through his
21 cross-examination but it seems to me unlikely and
22 potentially inappropriate to have done it that way

1 either. His cross-examination is his cross and their
2 additional responses are really no more than
3 additional responses, which they've had two
4 opportunities since he filed his direct, put it into
5 the record and declined to do on two opportunities.

6 JUDGE RILEY: I guess what my chief concern --
7 do you have any further, counsel?

8 MS. HERTEL: I have nothing further.

9 JUDGE RILEY: Okay. I guess what my -- did
10 either one of you want to respond one more time?

11 MR. LAFURIA: I guess what I would say,
12 Mr. Examiner, is that there -- and admittedly I've
13 never done a hearing in Illinois, but I've had a
14 number of occasions in the course of numerous
15 hearings around the country to impeach witnesses on
16 cross-examination and otherwise place responses to
17 data requests in comparison to their testimony in the
18 course of a hearing and establish the relevance of
19 that document to the hearing examiner's consideration
20 and have it admitted.

21 MR. REED: On a final note, your Honor, if it
22 was our goal to only -- to cherry pick the data

1 request responses and introduce only those that were
2 favorable to U.S. Cellular then that might be a
3 point, but obviously there's some things in there
4 that may not be favorable to U.S. Cellular, as
5 evidenced by their attachment in Mr. Schoonmaker's
6 testimony.

7 So we're saying we are not going to
8 pick and choose. Let it all in and let the chips
9 fall where they may.

10 JUDGE RILEY: Okay. I guess what my chief
11 concern would be is -- are either of the objecting
12 parties alleging any sort of surprise or unfairness
13 in their inability to conduct a cross-examination as
14 a result of this? In other words, did you know that
15 these were going to be -- did you have any advance
16 notice that these items were going to be offered for
17 admission into evidence?

18 MR. MURPHY: We had a conversation yesterday
19 with Mr. Reed. As part of the discussion about not
20 offering witnesses, he indicated he would be putting
21 data responses into the record.

22 JUDGE RILEY: Okay.

1 MR. MURPHY: I think there was some
2 misunderstanding but I'm not -- I don't think it's
3 material as if whether he was offering to put data
4 response that we had made or that they had made into
5 the record.

6 So we had until yesterday and I
7 advised Mr. Reed when he said that he would be doing
8 this, that I would object on these grounds. And
9 therefore, I guess, I believe it's a surprise in the
10 sense that they have had several opportunities to put
11 these into the record and comment and let others
12 comment on them. And the idea that they would have
13 tried to admit them into the record either through
14 our witness or through their witness or through this
15 process, it's a surprise because we've had three
16 rounds of testimony and they made no attempt to put
17 them in. Their attempt to put them in now I think is
18 inappropriate and in that sense it's a surprise.
19 Mr. Reed made it clear yesterday afternoon what his
20 intentions to do were.

21 JUDGE RILEY: Okay.

22 Counsel.

1 MS. HERTEL: Nothing further.

2 JUDGE RILEY: I am going to overrule the
3 objectors and let the objective items into evidence
4 as Exhibits 8, 9, 10 and 11. Was that everything
5 that petitioners had?

6 MR. REED: That's all we had, your Honor.

7 MS. GLOVER: You know, I've had -- there have
8 been supposition as to their authenticity.

9 MR. REED: Oh, yes. I believe that all the
10 parties are in agreement that we would stipulate to
11 the authenticity of the data request responses. I'd
12 like to make that stipulation on the record since we
13 don't have a sponsoring witness.

14 JUDGE RILEY: Okay. Was that understood?

15 MR. MURPHY: No objection to their
16 authenticity.

17 MS. HERTEL: Agreed.

18 JUDGE RILEY: Okay. Thank you. Thank you for
19 bringing that up.

20 Is that -- again, is that everything
21 that the petitioner had?

22 MR. REED: That's it, your Honor.

1 JUDGE RILEY: All right then --

2 MS. HERTEL: May I ask one clarifying question

3 that --

4 JUDGE RILEY: Yes.

5 MS. HERTEL: -- will apply to us too. When we

6 does the affidavits to verify the testimony do we --

7 should those have a separate exhibit number?

8 JUDGE RILEY: No. No. Just attach it to the

9 exhibit itself.

10 MS. HERTEL: Okay. Even if the exhibit's

11 already been prefiled with the Clerk's office?

12 MS. GLOVER: Your Honor, I --

13 JUDGE RILEY: Just -- in other words if the

14 testimony itself has an exhibit number --

15 MS. HERTEL: Yes.

16 JUDGE RILEY: -- just say that this is the

17 verification for that exhibit number. It doesn't

18 have to be separately --

19 MS. GLOVER: But --

20 JUDGE RILEY: Are you sure?

21 MS. GLOVER: I don't know. If it's going to be

22 filed again, you know, as an exhibit I think the

1 Clerk's office might -- I've planned --

2 JUDGE RILEY: I don't know if I want to
3 anticipate what the Clerk's office is going to do.

4 MS. GLOVER: All I'm saying -- all I'm
5 suggesting is I've in anticipation of the late filed
6 verification affidavits myself, I've attached
7 additional exhibit numbers to those verifications.

8 JUDGE RILEY: If like it's a 3.0 make a 3.1?

9 MS. GLOVER: Right. Because the verification
10 themselves are dated, looks as of today's date to
11 reassure and verify that the testimony that was
12 prefilled is the same --

13 JUDGE RILEY: Okay.

14 MS. GLOVER: -- will be the same today, so...

15 JUDGE RILEY: I often think -- it would be a
16 good idea to go along with Staff's suggestion and if
17 you have the -- obviously you have the exhibit
18 number, if it's already been filed?

19 MS. HERTEL: No. I haven't filed mine yet but
20 I was wondering whether I should assign an exhibit
21 number to it.

22 JUDGE RILEY: With Staff's suggestion Exhibit

1 1.0 with the verification 1.1.

2 MS. GLOVER: It's up to your Honor but I --

3 JUDGE RILEY: I'm going to go along with your
4 suggestions. Anything that you can do to mollify the
5 Clerk's office and make this as smooth as possible.
6 It's a glitch we don't need.

7 It's petitioner. Now, who's next?

8 MR. MURPHY: I'll go next.

9 JUDGE RILEY: Sure.

10 MR. MURPHY: On behalf of the IITA, we have now
11 filed three exhibits, the first being Exhibit 1.0,
12 the direct testimony of Robert C. Schoonmaker on
13 behalf of the Illinois Independent Telephone
14 Association and certain member companies, which was
15 prefiled on April the 28th, 2005, under the e-Docket
16 Tracking No. 79016. It consists of 80 pages, 1,829
17 lines of questions and answers and a series of
18 attachments that are listed in a declaration which I
19 will later describe.

20 Importantly, yesterday we filed a
21 corrected version of this direct testimony and served
22 it on all the parties excluding the attachments. And

1 the corrected testimony was filed under Tracking No.
2 62260. The corrected testimony along with the
3 original attachments are submitted as IITA Exhibit
4 1.0. IITA Exhibit 2.0 is the testimony of Robert C.
5 Schoonmaker on behalf of the Illinois Independent
6 Telephone Association and certain member companies,
7 which was originally filed on June 30th under
8 e-Docket Tracking No. 59895. It consists of 40
9 pages, 898 lines of questions and answers, with no
10 attachments. On September 13th, yesterday, a
11 corrected version of the rebuttal testimony was filed
12 under e-Docket Tracking No. 62261. The corrected
13 version of the rebuttal testimony constitutes Exhibit
14 No. 2.0 of the IITA.

15 Finally, this morning the IITA filed a
16 declaration of Robert C. Schoonmaker in support of
17 these other two exhibits, which will be labeled per
18 our agreement here today as IITA Exhibit 3.

19 I would move for the admission of
20 these three items into the record.

21 JUDGE RILEY: Number 3 was -- I'm sorry again,
22 what was -- it was a verification did you say?

1 MR. MURPHY: Declaration.

2 JUDGE RILEY: Declaration.

3 MR. MURPHY: Of Robert C. Schoonmaker.

4 JUDGE RILEY: So both the direct and the

5 rebuttal have corrected versions filed --

6 MR. MURPHY: Yes.

7 JUDGE RILEY -- under the same exhibit number

8 and the attachments were originally filed were the

9 valid ones?

10 MR. MURPHY: Yes.

11 JUDGE RILEY: Okay. And then there's the

12 declaration.

13 Any objections?

14 MR. LAFURIA: No objection.

15 MS. GLOVER: None.

16 MS. HERTEL: No objection.

17 JUDGE RILEY: Let me take care of one order of

18 business. Mr. Reed --

19 MR. REED: Yes, sir.

20 JUDGE RILEY: -- did I formally admit all of

21 your -- let me do that right now.

22 Petitioner's Exhibits 1 through 11 are

1 admitted into evidence.

2 (Whereupon, Petitioner's Exhibit
3 Nos. 1-11 were admitted into
4 evidence.)

5 MR. REED: Thank you. Sir.

6 JUDGE RILEY: IITA's Exhibits 1, 2 and 3 are
7 admitted into evidence.

8 (Whereupon, IITA Exhibit
9 Nos. 1-3 were admitted into
10 evidence.)

11 JUDGE RILEY: Is that everything?

12 MR. MURPHY: Yes, sir.

13 JUDGE RILEY: IITA -- okay. Fine. So again to
14 recap that was the corrected version of
15 Mr. Schoonmaker's direct with attachments, the
16 corrected version of Mr. Schoonmaker's rebuttal with
17 attachments and his declaration.

18 MR. MURPHY: The rebuttal had no attachments.

19 JUDGE RILEY: Right. Exactly.

20 Excuse me. That's correct. I'm
21 sorry. I have that written down.

22 All right.

1 JUDGE RILEY: SBC.

2 MS. HERTEL: Yes. We have one piece of the
3 testimony and that is the rebuttal testimony of James
4 E. Stidham. That was filed on June 30th. It's
5 rebuttal testimony. It's marked as SBC Illinois
6 Exhibit 1.0. It consists of 12 pages of questions
7 and answers, 274 lines. There are no attachments.
8 We would also then file as the late filed exhibit,
9 1 -- SBC Illinois 1.1, the affidavit verifying
10 Mr. Stidham's testimony.

11 JUDGE RILEY: Does any party have an objection
12 to the admission of SBC Exhibit 1.0, the rebuttal
13 testimony of Mr. Stidham and Exhibit 1.1, the
14 verification?

15 MS. GLOVER: No objection.

16 MR. LAFURIA: No objection.

17 MR. MURPHY: No objection.

18 JUDGE RILEY: SBC's Exhibits 1.0 and 1.1 are
19 admitted into evidence.

20 (Whereupon, SBC Exhibit Nos. 1.0
21 and 1.1 were admitted into
22 evidence.)

1 MS. HERTEL: Thank you.

2 JUDGE RILEY: Staff.

3 MS. GLOVER: Your Honor, we have prefiled
4 testimony to admit and I'll note before I begin that
5 because the -- our round of direct testimony as filed
6 showed up on e-Docket as having -- it was separated
7 into different various files. I've modified the
8 request that I'm going to make for introduction of
9 the testimony into, like, 1.1, 2.1 to reflect those
10 additional files. And I think it will be clearer on
11 as I read it.

12 JUDGE RILEY: Okay.

13 MS. GLOVER: First as Staff Exhibit 1.0 we'd
14 like to offer the direct testimony of Jeffrey Hoagg,
15 which is identified as Exhibit No. 1 on e-Docket
16 filed on May 12th, 2005. On e-Docket it was File No.
17 2. As Staff Exhibit 2.0 --

18 JUDGE RILEY: All right.

19 MS. GLOVER: -- it's the direct testimony of
20 Dr. James Zolnierrek filed on May 12, 2005. It had a
21 File No. 2. Staff exhibit 3.1 was identified on
22 e-Docket as Exhibit JZ-1. It's an attachment to the

1 direct testimony.

2 JUDGE RILEY: Of Mr. Zolniererek?

3 MS. GLOVER: That's correct. Also filed on May

4 12th, 2005, and it has a file number on e-Docket as

5 File No. 3.

6 JUDGE RILEY: Okay.

7 MS. GLOVER: Staff Exhibit 3.0 is the direct

8 testimony of Samuel S. McClerren, which was

9 identified as Exhibit 3 and Attachment 1 in one file,

10 being File No. 2 on --

11 JUDGE RILEY: I just fell off the sled here.

12 What --

13 MS. GLOVER: There's --

14 JUDGE RILEY: 3.0 is the direct testimony of

15 Mr. McClerren?

16 MS. GLOVER: That's right.

17 JUDGE RILEY: Okay.

18 MS. GLOVER: Right. In this instance the

19 attachment and the testimony were together. I don't

20 know if you had any problems --

21 JUDGE RILEY: Okay. With an attachment number?

22 MS. GLOVER: So that's just 3.0.

1 JUDGE RILEY: Okay.

2 MS. GLOVER: Staff Exhibit 4.0, is the direct
3 testimony of Mark A. Hanson, filed, again, on May
4 12th. It's in -- located in File No. 2. Staff
5 Exhibit 4.1 was listed as Attachment 1, on May 12th,
6 in File No. 3.

7 JUDGE RILEY: I think what's been throwing me
8 is you're going back to this File No. 3. What --

9 MS. GLOVER: Right. Well --

10 JUDGE RILEY: What is that?

11 MS. GLOVER: Your Honor, it's really kind of
12 just for, I mean, housekeeping essentially, that
13 they're all in different files. With our rebuttal
14 testimony it was all very clear and not in different
15 files but when you open on e-Docket there were four
16 different filings.

17 JUDGE RILEY: Okay.

18 MS. GLOVER: And the attachments were listed in
19 different files.

20 JUDGE RILEY: So these files referred to --

21 MS. GLOVER: It will be very apparent to you --

22 JUDGE RILEY: Okay.

1 MS. GLOVER: But for the record it's -- they're
2 all just in different files.

3 JUDGE RILEY: Okay. My concern is what is the
4 exhibit number and --

5 MS. GLOVER: Right. Right.

6 JUDGE RILEY: Now, 4.1 was an attachment to
7 Mr. Hanson's direct?

8 MS. GLOVER: Right. Well then, your Honor, if
9 I move to just admit the direct it would not
10 technically include the attachments since they're in
11 different -- which are in different files.

12 JUDGE RILEY: Okay. But it's my understanding
13 that Mr. McClerren's direct had an attachment that
14 was not separate.

15 MS. GLOVER: Right.

16 JUDGE RILEY: Okay.

17 MS. GLOVER: 4.2, Staff Exhibit 4.2 is also an
18 attachment to Mark Hanson's direct testimony, which
19 can be found in File No. 4 in that E-Docket filing.
20 And Staff Exhibit 4.3 is the final attachment to
21 Mr. Hanson's direct, which was denoted as attachment
22 33A in the e-Docket filing and could be found in File

1 5.

2 So to recap, it's 4, 4.1, 4.2, 4.3
3 just the attachments.

4 JUDGE RILEY: Okay.

5 MS. GLOVER: For Staff Exhibit 5.0, it's the
6 direct testimony of Marci Schroll filed on e-Docket
7 on May 12th, 2005, in File 2.

8 JUDGE RILEY: All right. Is there anything
9 else?

10 MS. GLOVER: Yes, I have the rebuttal testimony
11 which is much more straightforward. It's Staff
12 Exhibit 6.0 is the rebuttal of Jeffrey H. Hoagg,
13 filed on August 4th, 2005. Staff Exhibit 7.0 is the
14 testimony -- rebuttal testimony of Dr. James
15 Zolnierrek, again, filed on August 4th, 2005. Staff
16 Exhibit 8.0 is the rebuttal testimony of Mark A.
17 Hanson, also on August 4th. Staff Exhibit 9.0 is the
18 rebuttal testimony of Sam -- Samuel S. McClerren.
19 And Staff Exhibit 10.0 is the rebuttal testimony of
20 Marci Schroll.

21 JUDGE RILEY: All right. Was that --

22 MS. GLOVER: As late filed exhibits for

1 affidavits for each, Staff Exhibit 11.0 will be the
2 late filed affidavit of Jeffrey Hoagg.

3 JUDGE RILEY: Hold on. Do you want to do it as
4 that or do you want to -- all right. Yours.

5 MS. GLOVER: Which do you prefer?

6 JUDGE RILEY: How many of them are there
7 altogether?

8 MS. GLOVER: I was just -- there'll be five,
9 for each of the witnesses, 11, 12, 13, 14 and 15.

10 JUDGE RILEY: There's going to be verification
11 for each of the witnesses so we're talking about --
12 yeah, 11 through 15.

13 MS. GLOVER: Right.

14 JUDGE RILEY: Okay. Exhibits 11 --

15 MS. GLOVER: 12 is Dr. Zolnierrek. 13 is Mark
16 Hanson. 14 is Samuel S. McClerren. And 15 is Marci
17 Schroll.

18 JUDGE RILEY: Is that everything?

19 MS. GLOVER: That's all of it. Thank you.

20 JUDGE RILEY: All right then. We have Staff
21 Exhibits 1 through 15. You have had the testimony
22 described, verifications. Any objections?

1 MR. LAFURIA: No objection.

2 MS. HERTEL: No, your Honor.

3 JUDGE RILEY: Then Staff Exhibits 1 through 15
4 are admitted into evidence.

5 (Whereupon, Staff Exhibit
6 Nos. 1-15 were admitted into
7 evidence.)

8 MS. GLOVER: Thank you.

9 JUDGE RILEY: Did anyone else have anything to
10 offer? Mr. Smith was not going to offer anything, we
11 have not heard from Mr. Saville, and Verizon has not
12 participated. Then that should take care of all of
13 the documentary evidence.

14 We need to set a briefing schedule.
15 Do you have a deadline on this matter? I don't think
16 so.

17 MR. REED: No, sir.

18 JUDGE RILEY: No.

19 MR. REED: There's no statutory date.

20 JUDGE RILEY: Right. No statutory deadline and
21 I'm not going to impose one even if I could.

22 Do you want to go off the record and

1 talk about dates?

2 MR. REED: Sure.

3 (Whereupon, a discussion was had
4 off the record.)

5 JUDGE RILEY: We're back on the record after
6 having discussed the matter of a briefing schedule.
7 It has been agreed by the parties that they will
8 submit simultaneous initial and simultaneous reply
9 briefs.

10 The initial briefs will be due on
11 October 19, 2005, and that will be by the close of
12 business. And the reply briefs will be due by the
13 close of business on November 10, 2005.

14 And I believe that that concludes
15 everything that we have to discuss today. Does
16 anyone have anything else they need to bring up?

17 All right then. I will direct the
18 court reporter to mark this matter heard and taken
19 and I'll read the submission of the briefs.

20 Thank you very much.

21 (Heard and Taken.)